

**The Middletown Zoning Board of Review Minutes for September 28, 2010**

**The Middletown Zoning Board of Review was held on September 28, 2010 at 7:00 p.m. Present were Chairman- Tom Silveira, Vice-Chairman -Peter Van Steeden, Secretary- Lucy Levada, Voting Board Members- Tom Newman, Steve MacGillivray, Alternate's -Greg Schultz, Michael Potter and Frank Flanagan. Town Solicitor- Michael Miller and Zoning Officer- Jack Kane.**

**A motion was made by Peter Van Steeden and second by Tom Newman to accept the minutes of the Secretary's June 29, 2010 Special Meeting and the regular monthly meeting of July 27, 2010. Motion carried 5-0**

**Continuances/Withdrawals:**

1.

Petition

of:

Peter Gallipeau

(2)-----October 26, 2010
2.

Petition

of:

Karmik LLC

(2)-----October 26, 2010
3.

Petition

of:

Linda Cerce Trust

-----October 26, 2010
4.

Petition

of:

Luise Strauss (for control

-----October 26, 2010

**On the Louise Strauss petition Steve MacGillivray and Frank Flanagan and Michael Potter have recuse from this petition. Greg Schultz will be a voting member on this petition.**

**A motion was made by Peter Van Steeden and second by Tom Newman to forward the Strauss petition back to the Planning Board  
Motion carried 5-0**

### **Continued Cases:**

**1. Petition of: City of Newport Water Department- 43 Broadway-Newport, R.I. (Owner)- New Cingular Wireless PCS, LLC by AT&T Mobile Corp. (Applicant)-by their attorney's Edward D. Pare ,Jr. Esq. 121 South Main Street Providence, R.I. & Robert M. Silva, Esq. 1100 Aquidneck Ave. Middletown, R.I.- for a Special Use Permit from Article 25 to allow AT&T to upgrade, modify and replace (3) existing antennas with (3) new antennas to provide adequate coverage, in the area due to changes in technology. Said real estate is located at Reservoir Rd. and further identified as Lot 73 on Tax Assessor's Plat 121 NW.**

**# Exhibit 1- A rendering dated 7/27/10 12 pages on previous condition showing the pole already since 1997 prepared by Caron & Associates and to modify same pole 6" in diameter and upgrade technology.**

**A motion was made by Tom Newman and second by Peter Van Steeden to grant the petition and not to replace only to modify.  
Petition granted 5-0**

**2. Petition of: 89 Aquidneck Ave. LLC- Aquidneck Ave. Middletown ,R.I.(owner)- by their Attorney Vernon Gorton-181 Chase Rd. Portsmouth, R.I.-for a Special Use Permit from Sections 318,602,& 902.-to establish a lunchroom or restaurant serving alcoholic beverages in an existing building in a limited business traffic sensitive district. Said real estate is located at 89 Aquidneck Ave and further identified as Lot 152 on Tax Assessor's Plat 115 SE.**

**Attorney Gorton stated that the restaurant is already there and they want to expand with a**

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**Class #C Alcoholic License. It will not create a nuisance or hazard in the area this is a beach area. Abutter Terry Flynn had several questions.**

**Real Estate expert Paul Hogan spoke in favor of the petition and quoted other restaurants and hotels in the surrounding area this petition would not be a nuisance or a hazard in the area.**

**A motion was made by Peter Van Steeden and second by Steve MacGillivray.**

**Petition granted 5-0**

**3. Petition of: EMK Beacon Rd. -55 Lantern Ln.-Needham, Ma.(owner)- Brad Messenger C/O Bemers-210 Commerce St. -Glastonbury, CT. (Applicant)-for a Special Use Permit from sections**

602 & 1106- to allow the instillation of one -1990 gallon be above ground propane dispensing station located in Zone 2 of the watershed protection district.. Said real estate is located at 278 West Main Road and further identified as Lot 195 on Tax Assessor's Plat 108 NW.

Mr. Brad Messenger stated that the Planning Board made them change their petition to install the tank below ground instead of above. Exhibit #1-Picture showing equipment above ground fenced in with chain link fence. Peter Van Steeden had concerns about the water table, shut off valve and panic button. The planning Board stated that this has to have the State Fire Marshal approval. Abutter Manny Mello of Beacon Terrace spoke against the petition and stated they should find a more suitable place on the property to erect this. His concern was it is too close to the entrance door.

A motion was made by Steve MacGillivray and second by Peter Van Steeden to grant the petition conditions by Tom Newman to landscape the area and to apply by the State Fire Marshal.

Petition granted 1-4 with Lucy Levada in the negative.

4. Petition of: Middletown Associates-C/O Picerne Real Estate Group- 75 Lambert Lind Highway. Warwick R.I. (Owner)-by their Attorney Robert M. Silva, Esq. -1100 Aquidneck Ave.- Middletown, R.I.- for a Special Use Permit from Article 15 Section 1501 & Article 11 Section 1103- to allow the expansion and renovation of an existing clubhouse facility as presently located in a Traffic Sensitive Multifamily Zone (RMA) and in Zone 1 of the Watershed Protection District (WPD) Said

**Real estate is located at 969 West Main Road and further identified as Lot 142 on Tax Assessor's plat 106.**

**Attorney Silva presented his case. Exhibit #1- Middletown Associates Picerne Real Estate letter from Planning Board dated August 4, 2010. Exhibit# 2- letter 2010. Brian Tugas project manager and Moren Engineering, John Cotta Landscaping and Environmental Consultant. Exhibit #3 (3) color photos of existing facility. Exhibit #4-rendering of what the expansion of the building would look like. Mr. Moren stated that the expansion would be an asset to the tenants and property. A motion was made by Lucy Levada and second by Steve MacGillivray Petition granted 5-0**

#### **New Cases:**

**1. Petition of: Robert & Jacqueline Cabral-1038 Aquidneck Ave.-Middletown, R.I. (Owners) - Nicole Helger & Isaac Howe- 75 Lawrence Ct. - Tiverton R.I. (Applicant) - for a Special Use**

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**Permit from Section 602- to allow an operation of a dog daycare facility. Said real estate is located at 1038 Aquidneck Ave. and further identified al Lot 106 on Tax Assessor's Plat 113.**

**Mr. Howe stated that the hour of operation would be 7:00 a.m. to 7:00 p.m. - Saturdays 10:00 a.m. to 2:00 p.m. Will also sell retail and employ 10 people with conditions that all dogs are properly licensed in the community which they reside and current rabies certificates on file at location.**

**A motion was made by Lucy Levada and second by Steve MacGillivray to grant the petition. Petition granted 5-0**

**Meeting adjourned 9:15 p.m.**

**Respectfully Submitted**

**Lucy R. Levada**

**Secretary**